

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-4, 7-10, 12-19, 22-25, and 35-61 are pending in this application. Claims 1, 3, 18, 38, 50, and 56 are amended. Claims 1, 18, 38, 50, and 56 are the independent claims.

Claim Rejections – 35 U.S.C. § 112

Claims 1-4, 7-10, 12-19, 22-25, and 35-61 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. To address the rejection, claims 1, 18, 38, 50, and 56 have been amended to delete the recitation “when there is more than one data unit.” Withdrawal of the rejection is respectfully requested.

Claim Rejections – 35 U.S.C. §103(a)

Claims 1-4, 8, 10, 13, 16, 18, 19, 24, 25, 36-41, 46-54, and 56-60 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Watanabe (U.S. Patent Application Publication 2004/0156294) in view of Senshu (U.S. Patent Application Publication 2002/0060968), and further in view of Nagai et al. (U.S. Patent 6,938,162). This rejection is respectfully traversed.

The Applicant respectfully points out that the Watanabe reference is not proper prior art to the present application. For example, Watanabe (U.S. 2004/0156294) is based on a PCT application, PCT/JP02/03406. The PCT application was filed on April 4, 2002 and published on October 31, 2002. The PCT application as of its filing date

does not qualify as prior art under 35 U.S.C. 102(e) because the PCT application was published in Japanese and not in English. The publication date of the PCT application was after the filing date of Korean applications to which the present application claims priority. For example, Korean application 10-2002-0049637 was filed August 22, 2002. Korean application 10-2002-0062522 was filed October 14, 2002. Thus the filings dates of both Korean applications predate the publication of the PCT application. Therefore, Watanabe nor the PCT application from which Watanabe claims priority is prior art to the present application under any section of 35 U.S.C. § 102. Because the reference is not proper prior art under 35 U.S.C. § 102, it cannot be used in a rejection under 35 U.S.C. § 103.

For at least these reasons, the Applicant respectfully asserts that the claim rejections under 35 U.S.C. § 103(a) as mentioned above fail because one of the references, Watanabe, upon which they rely, is not proper prior art.

To perfect the claim of priority to the two Korean applications mentioned above, the Applicant submits herewith English language translations of Korean applications 10-2002-0049637 and 10-2002-0062522, and a statement from the translator that the translation of the certified copies of the above applications are correct in accordance with 37 C.F.R. § 1.55(a)(4)(i)(B)(ii). For at least these reasons, the Applicant respectfully requests that the rejections of claims 1-4, 8, 10, 13, 16, 18, 19, 24, 25, 36-41, 46-54 and 56-60 be removed.

Claim 42 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Watanabe in view of Senshu and Nagai et al., and further in view of Ueda et al. (U.S. Patent Application Publication 2001/0007545). Claim 7 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Watanabe in view of Senshu and Nagai et al., and further in view of Dieleman et al. (U.S. Patent 5,341,356). Claims 9, 12, 35,

and 45 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Watanabe in view of Senshu and Nagai et al., and further in view of Applicant's Admitted Prior Art. Claims 14, 23, 44, 55, and 61 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Watanabe in view of Senshu and Nagai et al., and further in view of Haneji (U.S. Patent 5,124,962). Claims 15, 17, 22, and 43 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Watanabe in view of Senshu and Nagai et al., and further in view of Vining et al. (U.S. Patent 6,377,526).

These rejections are predicated on the above characterization of the Watanabe which has been shown above to not be prior art to the present application. Accordingly, Applicants respectfully submit that the rejections of claims 7, 9, 12, 14, 15, 17, 22, 23, 35, 42, 43, 44, 45, 55, and 61 lack foundation and should be withdrawn.

Obviousness-type double patenting rejection

Claims 1-4, 8-10, 13, 16-19, 24, 25, 36-42, 46-54, and 56-60 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 5, 6, 41, and 42 of copending U.S. Patent Application No. 10/787,159 in view of Senshu. Claim 7 has been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 5, 6, 41, and 42 of copending U.S. Patent Application No. 10/787,159 in view of Senshu, Watanabe, and Dieleman. Claims 9, 12, 35, and 45 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 5, 6, 41, and 42 of copending U.S. Patent Application No. 10/787,159 in view of Senshu, Watanabe, and AAPA. Claims 14, 23, 44, 55, and 61 have been provisionally rejected on the ground of

nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 5, 6, 41, and 42 of copending U.S. Patent Application No. 10/787,159 in view of Senshu, Watanabe, and Haneji. Claims 15, 22, and 43 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 5, 6, 41, and 42 of copending U.S. Patent Application No. 10/787,159 in view of Senshu, Watanabe, and Vining.

The Applicant respectfully notes that these rejections are provisional rejections and defers from responding to them at this time. The Applicant notes that the claims currently pending in the present application have been altered. Further, the scope of the claims contained in copending application no. 10/787,159 may change potentially rendering these double patenting rejections moot. The Applicant will defer from responding to these rejections until such time as the claims of copending application no. 10/787,159 are allowed.

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CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-4, 7-10, 12-19, 22-25, and 35-61 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge any underpayment or non-payment of any fees required under 37 C.F.R. §§ 1.16 or 1.17, or credit any overpayment of such fees, to Deposit Account No. 08-0750, including, in particular, extension of time fees.

Respectfully submitted,

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